



Austin City Council MINUTES

JULY 23, 1992 - 1:00 P.M.

MEETING CALLED TO ORDER - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting the absence of Councilmember Epstein.

1. Approval of Minutes for Regular Meeting of July 16, 1992

On Councilmember Larson's motion, Councilmember Garcia's second, 4-0 Vote, Mayor Pro Tem Urdy and Councilmember Reynolds out of the room, Councilmember Epstein absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. David Elliott, to discuss the need for a debt reduction plan, leadership, and the three I's: imagination, ingenuity and initiative.
3. Ms. Lori Renteria, to inform the community about the outstanding work accomplished by 125 students, staff and worksite supervisors involved with Project ESOS, an AISD summer jobs program operated by Community Education which is jointly funded by AISD, the Austin Travis County Private Industry Council and the City of Austin.
4. Mr. Joe Russell Sublett, to express appreciation and encourage continued support for Public Access Television.
5. Mr. R. Luthor Carpenter, to present another in a series of speeches on management, budget and Council concerns. Not present.
6. Ms. Maribel Castaneda, to discuss Project SOS and to share results of a Montopolis neighborhood survey.
52. Mr. Mike Reynolds, to speak in support of the Austin Downtown Management Organization and the Property Improvement District (PID) and to request the Councilmember's and Mayor's support of the PID.

53. Mr. Jon Kemmerer, to brief Mayor and Council on the 1992 Austin Aqua Festival (AAF) and request Council authorize the City Manager to provide support and approval as contained in the AAF letter of June 24, 1992.
54. Mr. Rick Wheeler, to brief Mayor and Council on the 1992 Austin Aqua Festival (AAF) and request Council authorize the City Manager to provide support and approval as contained in the AAF letter of June 24, 1992. Not present.
55. Mr. Henry Ratliff, to discuss "the people are working effectively for SOS on August 8, 1992."
56. Mr. John Stratford, to discuss response by Citizens for Responsible Planning to City Attorney's Action in CRP'S Texas Open Records Act.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

7. Approve selection of GRAEBER, SIMMONS & COWAN, AIA, Architects, Austin, Texas, to allow negotiation and execution of a contract to provide architectural services to Brackenridge Hospital, for a variety of small projects, in the estimated maximum amount of \$150,000 for a period of one year or until available funding is expended. (Funding in the amount of \$40,000 is available in the 1991-92 operating budget of Brackenridge Hospital; funding for the remaining \$110,000 of the original contract will be contingent upon available funding in future budgets.) Best qualifications of twelve (12). M/WBE percentages cannot be determined at this time because the actual scope of work is undefined.

On Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein absent.

ORDINANCES

8. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 3032 Tamarron Boulevard, Case No. C14-92-0036, from "LR" Neighborhood Commercial to "SF-6-CO", Townhouse and Condominium Residence-Conditional Overlay, COMMERCE SAVINGS ASSOCIATION, by JPI. First reading on June 25, 1992; Vote: 4-3, Councilmembers Larson, Epstein and Nofziger voting "No". Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council. (Public Hearing Closed - No Citizen Sign Up)

Motion

Mayor Pro Tem Urdy made a motion, seconded by Councilmember Reynolds to approve.

Amendment to Motion

Councilmember Garcia offered an amendment to the motion, seconded by Councilmember Reynolds to add the following to the conditional overlay: The property owner shall monitor the existing water quality pond serving Barton Creek Square Mall, which is located on the property in accordance with the 1991 Comprehensive Watershed Ordinance requirements." The motion passed by a vote of 6-0, Councilmember Epstein absent.

Roll Call on Main Motion with Amendment

4-2 Vote, Councilmembers Larson and Nofziger voted No, Councilmember Epstein absent.

9. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5700-6112 Springdale Road, Case No. C14-84-381, from "I-SF-3", Interim Family Residence to "SF-6", Townhouse and Condominium Residence for Tract 1 and "LO", Limited Office for Tract 2, JOE SEIDERS, by Mac Spellman, Jr. First reading on July 28, 1987; Vote 7-0. (Public Hearing Closed - No Citizen Sign-Up)

On Councilmember Garcia's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Epstein absent.

10. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 7017 Hart Lane, Case No. C14-92-0033, from "SF-3", Family Residence to "GR", Community Commercial, NORTHWEST HILLS UNITED METHODIST CHURCH, by Lichliter/Jameson & Associates. First reading on June 4, 1992; Vote 4-0, Mayor Pro Tem Urdy and Councilmembers Nofziger and Epstein out of the room. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council. Restrictive Covenant incorporating conditions imposed by Council has been executed. (Public Hearing Closed - No Citizen Sign-Up)
11. Repeal Ordinance No. 900726-C which declared the necessity for paving and improvements of Montopolis Drive. (No fiscal impact.)
12. Repeal Ordinance No. 880512-D which declared the necessity for paving and improvements of Cameron Road, Phase III. (No fiscal impact.)

#10-12 on Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein absent.

13. Amend Ordinance No. 910912-A, the operating budget, by accepting \$624,367 from the Federal Emergency Management Agency (FEMA) and \$2,100,458 from Arkwright Insurance Company, and appropriating these

same amounts to a new Special Revenue Fund entitled the Flood Damage Reimbursement Fund, to fund repairs within the following City departments: Electric, Emergency Medical Services, Fire, Parks, Police, Public Works, and Water/Wastewater.

On Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein absent.

59. Consider an ordinance amending Ordinance No. 920512-A and 920610-A to change the polling place for Precinct No. 228 for the Municipal election to be held on August 8, 1992.

On Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein absent.

RESOLUTIONS

14. Approve assignment of fifty percent (50%) interest of Bill Milburn, Inc. in Maple Run Joint Venture to MRM Partnership under Agreement Concerning Creation and Operation of Maple Run at Austin Municipal Utility District ("Consent Agreement"). [No fiscal impact.]

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein absent.

15. Approve execution of a twelve (12) month supply agreement with PRECO MACHINERY SALES, San Antonio, Texas, for the purchase of various repair parts for street sweepers used by the Solid Waste Services Division, in an amount not to exceed \$35,000, with the option to extend the agreement for two (2) additional twelve (12) month periods in the amount of \$35,000 per extension, for a total amount not to exceed \$105,000. (Funding in the amount of \$5,834 is available in the 1991-92 operating budget of the Fleet Services Division; funding in the amount of \$29,166 for the final ten (10) months of the original contract period and the extension options will be contingent upon future available funding in future budgets.) Single bid. The prime did not identify any subcontracting opportunities. Reference No. 920768-1RF.

16. Approve execution of a twelve (12) month supply agreement with GENERAL MEDICAL, Austin, Texas, for syringes, tubing, lancets and urine culture kits for use by the Radiology, Surgery and Pharmacy Departments of Brackenridge Hospital, in an amount not to exceed \$35,948, including an option to extend thereafter for up to one (1) additional twelve (12) month period, in an amount not to exceed \$35,948, for a total amount not to exceed \$71,896. (Funding in the amount of \$11,863 is available in the 1991-92 operating budget; funding for \$24,085 and the extension option will be requested in future operating budgets.) Low bid of five (5). The prime did not identify any subcontracting opportunities. Reference No. BS2-143.

17. Approve execution of a contract award with NETWORK MEDIA SERVICES, INC., Austin, Texas, for the purchase and installation of a nurse call system on the fifth and ninth floors of Brackenridge Hospital, in an amount not to exceed \$64,189. (Funding is available in the 1991-92 operating budget of Brackenridge Hospital.) Low bid of two (2). The prime identified three areas of subcontracting; there were no M/WBES available to perform the scope of work. Reference No. BH2-135.
18. Approve execution of a construction contract with SOUTHWESTERN CONSTRUCTORS, INC., Austin, Texas, for roofing the east building of the Municipal Annex, located at 301 West Second Street, in the amount of \$161,305. (Funding available in the 1991-92 operating budget of the Public Works and Transportation Department.) Low bid of four (4). The prime did not identify any subcontracting opportunities.
19. Approve ratification of an award for a Professional Services Agreement to LAW ENGINEERING, Austin, Texas, for engineering, design and consultant services to replace the mechanical system at the East Austin Clinic and Multipurpose Center, located at 211 Comal Street, in the amount of \$70,000. (Funding included in the 1991-92 Health Department Capital Budget.) 7% MBE, 0% WBE Subcontractor participation. (Recommended by Planning Commission.)
20. Approve Change Order No. 3 to J.C. EVANS CONSTRUCTION CO., INC., Austin, Texas, for a stormwater drainage structure and additional foundation construction for the Fire & Police Joint Use Training Facility, Phase I, located at 4800 Shaw Lane, in the amount of \$26,008.63 (cumulative total of change orders to date exceeds the administrative approval level established by Council), for a total contract amount of \$1,800,664.65. (Funding included in the 1991-92 Fire Department Capital Budget.)

#15-20 on Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein absent.

21. Approve an increase in authorization to the following firms for material testing and geotechnical services: FUGRO-McCLELLAND INC., in the amount of \$25,000; TRINITY ENGINEERING TESTING CORP. INC., in the amount of \$100,000; JACK H. HOLT & ASSOC., in the amount of \$25,000; JONES & NEUSE, INC., in the amount of \$37,500; MEYER, LITTON, ALLEN LABS, in the amount of \$25,000; PROFESSIONAL SERVICES IND., in the amount of \$12,500; RABA-KISTNER-BRYTEST, in the amount of \$25,000; and SOUTHWESTERN LABS, in the amount of \$25,000, for a total amount of \$275,000. (Funding available in each CIP project.) On Councilmember Garcia's motion, Councilmember Nofziger's second, 5-0-1 Vote, Councilmember Nofziger abstained, Councilmember Epstein absent.

22. Request authorization for execution of a joint funding agreement for water resources investigations between the City of Austin and the United States Department of the Interior Geological Survey (USGS), in the amount of \$214,375. (Total cost is \$370,440; USGS will fund \$156,065.)
23. Authorize acceptance of a grant in the amount of \$100,000 from the Texas Water Commission for expansion of the yard waste composting program. (City's match amounts to \$100,000 in in-kind funds. Funding will be provided in the 1992-93 Environmental and Conservation Services Department operating budget.)
- #22-23 on Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein absent.
24. Approve the revised Austin City Council Master Planning Schedule for 1992.

Motion

Councilmember Larson made a motion, seconded by Councilmember Reynolds', to approve the schedule and change the first, second and third readings of the budget to September 16, 21 and 22 respectively.

Substitute Motion- Withdrawn

Mayor Todd offered a substitute motion to cancel the September 17, 1992 meeting and reschedule the September 24, 1992 meeting. The motion was seconded by Councilmember Garcia, who later withdrew his second.

Roll Call on Motion

6-0 Vote, Councilmember Epstein absent.

25. Set a public hearing to approve a Flood Plain Management Plan and Repetitive Loss Reduction Plan as part of the National Flood Insurance Program's Community Rating System for the City of Austin. Date and time: August 27, 1992 at 5:00 p.m.
57. Amend the lease of the North Austin Health Clinic, located at 7112-Z Ed Bluestein Blvd., to allow up to \$200,000 for finish-out costs. (Funding is available in the 1991-92 operating budget of the Health and Human Services Department.)
- #25-57 on Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein absent.

ITEMS FROM COUNCIL

26. Presentation/Discussion of Health Department Report on Tank Farm.
(Councilmember Gus Garcia)

Sue Noffke, Director, Health and Human Services, presented a report.
After other reports were given, the public spoke.

Motion

The Council, on Councilmember Garcia's motion, Councilmember Reynolds' second, closed the hearing. 6-0 Vote, Councilmember Epstein absent.

27. Direct the City Manager to work with appropriate boards and commissions to review and make recommendations for a container deposit ordinance by September 1, 1992. (Councilmembers Gus Garcia and Michael "Max" Nofziger)

Withdrawn

28. Set a public hearing to consider granting a waiver from the provisions of Section 13-3A-9(a), Land Development Code, which prohibits the issuance of water and wastewater taps until all capital recovery fees have been paid, for Gaines Ranch Phase B only. Date and time: August 13, 1992 at 5:00 p.m. [Councilmember Bob Larson and Ronney Reynolds]

On Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein absent.

29. Amend Ordinance No. 910912-A, the FY 1991-92 General Fund operating budget by appropriating \$29,610 from the General Fund Contingency Reserve to the Health and Human Services Department Social Services Fund for transitional housing services for the homeless. (Councilmembers Gus Garcia and Michael "Max" Nofziger) [Related to Item 30]
30. Ratify an amendment to the City's original \$29,500 contract with the Greater Austin Housing Development Corporation (GAHDC) that increased the contract amount by \$29,500 and authorize an additional amendment to the contract, in the amount of \$29,610, for a total contract amount not to exceed of \$88,610, to provide transitional housing services for homeless families. (Councilmembers Gus Garcia and Michael "Max" Nofziger) (Related to Item 29)

#29-30 on Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein absent.

31. Adopt a resolution directing the City Manager to explore the options for reducing auto emissions in Austin. (Councilmembers Bob Larson and Michael "Max" Nofziger)

On Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein absent.

32. Not Approved - negotiation and execution of a contract with Children's Advocacy, Inc., in the amount of \$12,500 for videotaping, interviewing and counseling services for child crime victims. (Councilmembers Bob Larson and Ronney Reynolds) Funding from Social Services Contingency Reserve.

Motion Made and Withdrawn

Councilmember Larson made a motion, seconded by Councilmember Reynolds to approve; after discussion the motion was withdrawn.

Motion - FAILED

Councilmember Garcia's motion, to approve, seconded by Mayor Todd, FAILED by a vote of 2-0-4, Mayor Pro Tem Urdy, Councilmembers Larson, Nofziger and Reynolds abstained, Councilmember Epstein absent.

33. Approve negotiation and execution of a contract amendment with People's Community Clinic, in the amount of \$12,500 for general medical services, for a total contract amount of \$186,000. (Councilmembers Bob Larson and Ronney Reynolds) Funding from Social Services Contingency Reserve.

On Councilmember Reynolds' motion, Councilmember Garcia's second, including "the stipulation that reimbursement of the contingency fund will be from Dispro, if there are funds available". 6-0 Vote, Councilmember Epstein absent.

34. Approve negotiation and execution of a contract amendment, in the amount of \$10,488, with CEDEN Family Resource Center, for a prenatal education program, for a total contract amount of \$72,185. (Councilmembers Bob Larson and Ronney Reynolds) Funding from Social Services Contingency Reserve.

On Councilmember Larson's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Epstein absent.

35. Approve an Ordinance canceling the September 17, 1992 City Council meeting, and reinstating the September 24, 1992 City Council meeting. (Mayor Bruce Todd and Councilmember Michael "Max" Nofziger)

No action

58. Set a public hearing for consideration of the permanent closure of Walter Street. Date and time: August 6, 1992 at 5:30 p.m.
[Councilmember Gus Garcia]

On Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein absent.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

ZONING DISTRICTS

36. C14-92-0042 - WOODS OF WESTLAKE HEIGHTS, LTD., by Dwyer Sanders, 1500-1599 Capital of Texas Highway South. From L0 and GR to SF-1 for Tract 1 and from GR to SF-1 for Tract 2. Planning Commission Recommendation: To Grant SF-1-CO, Single Family Residence (large lot)-Conditional Overlay, zoning for both tracts one (1) and two (2), subject to access onto Loop 360 being prohibited from tract one (1).

Ordinance Approved

On Mayor Pro Tem Urdy's motion, Councilmember Garcia's second, 5-0 Vote, Councilmember Reynolds out of the room, Councilmember Epstein absent.

37. C14-92-0039 - HU YAN CHI, by Vision Design Group, 2039-A Airport Boulevard. From CS to CS-1. Planning Commission Recommendation: To Deny CS-1, Commercial Liquor Sales zoning.
Denied Approval

On Councilmember Garcia's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Epstein absent.

To be heard by Planning Commission on July 14, 1992; Recommendation to Follow

38. C14h-92-0006 - WEST HILL CARRIAGE HOUSE, by William Schmidt, 707 W. 18th Street. From L0 to L0-H. Planning recommendation was to grant L0-H, 7-0 Vote.

Ordinance Approved

On Mayor Pro Tem Urdy's motion, Councilmember Garcia's second, 5-0 Vote, Councilmember Epstein absent, Councilmember Reynolds out of the room.

39. C14-91-0016 - JOSIE CHAMPION, by Tom Buckle, 5600 Block of F.M. 2222 and 6101-6409 N. Capital of Texas Highway. From SF-2 to GR. (To be heard by the Planning Commission on July 28, 1992.)

Postponed to the August 6, 1992 Council Meeting at 4:00 P.M. On Councilmember Larson's motion, Councilmember Garcia's second, 6-0 Vote, Councilmember Epstein absent.

FINAL CITIZEN COMMUNICATIONS

Speakers were Robert Brandis, Robert Singleton, Al St. Louis and John Khouri

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTION

40. 5:00 P.M. - Appeal by Mr. Allen C. Clarke, H.T. Austin, Ltd., of the Building Standards Board order of March 25, 1992 against the property located at 1900 Burton Drive, also known as The Hilltop Apartments.

Appeal Withdrawn

Solid Waste Removal and Recycling Services (Items 41-43)

41. 5:15 P.M. - Citizen input regarding recommendations for implementation of service changes in the City's Solid Waste removal and recycling services (implementation recommendations based on the City's "Pay As You Throw" pilot collection program.)

Speaker's cards are on file in the City Clerk's office.

The public hearing was closed, on Councilmember Garcia's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Epstein absent.

42. Repeal Ordinance No. 910425-R and amend Ordinance No. 910912-F regarding the establishment of rates and service levels for garbage collection in the four pilot neighborhoods. (Recommended by Solid Waste Advisory Commission).
43. Approve a resolution adopting recommendations for implementation of service changes in the City's Solid Waste removal and recycling services (Implementation recommendations based on the City's "Pay as You Throw" pilot collection program.) [Reviewed by Solid Waste Advisory Commission.]

#42-43, Postpone action until August 6, 1992 at 5:00 P.M. Public will be able to speak.

6:00 P.M. - DINNER BREAK

Council recessed for a dinner break from 6:00 to 6:40 P.M. During that time they held the following Executive Session.

EXECUTIVE SESSION (No Public Discussion on These Items)

Mayor Todd announced that Council would enter into Executive Session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters. No final action will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

Land Acquisition, Section 2, Paragraph f

44. Review and discussion of fee simple acquisition for U.S. 183 Section 2 offsite drainage improvements, Angus Valley Channel Project, Parcel #3079.01.
45. Review and discussion of real property acquisition for U.S. 183 expansion project; parcel 72-50A and 50B.

Advice from Counsel, Section 2, Paragraph e

47. Advice from Counsel on Tank Farm issues.

RECESS - Council recessed from 6:00 to 6:40 P.M. for Executive Session.

ACTION ON THE FOLLOWING

49. Appointment of City Auditor.

Council appointed Helen Niesner as City Auditor, on Councilmember Garcia's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Epstein absent. (Salary and terms of employment will be brought back to the Council.)

50. Approve a resolution authorizing fee simple acquisition for U.S. 183 Section 2 offsite drainage improvements, Angus Valley Channel Project, Parcel #3079.01 In the amount of \$66,030.00.
51. Approve a resolution authorizing real property acquisition for U.S. 183 expansion project, Parcel 72-50A and 50B. In the amount of \$58,867.00.

#50-51 on Councilmember Garcia's motion, Councilmember Nofziger's second, 5-0 Vote, Mayor Pro Tem Urdu out of the room, Councilmember Epstein absent.

ADJOURN - The Council adjourned its meeting at 11:00 P.M., on
Councilmember Garcia's motion, Councilmember Reynolds second, 6-0
Vote, Councilmember Epstein absent.